

11 FEB 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Jordan and Hamburg LLP
122 East 42nd Street
New York, NY 10168

In re Application of BRAGAGNOLO et al :
U.S. Application No.: 09/786,098 :
Int. Application No.: PCT/AU99/00707 :
Int. Filing Date: 31 August 1999 :
Priority Date: 21 August 1998 :
Attorney Docket No.: F-6863 :
For: PANEL MOUNTING FRAME AND METHOD :

DECISION

This is in response to applicant's "Petition Under 37 CFR §1.181 in Response to Notification of Missing Requirements Under 35 U.S.C. 371" filed 05 February 2003.

BACKGROUND

On 31 August 1999, applicants filed international application PCT/AU99/00707, which claimed priority of an earlier Australia application filed 31 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 17 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2001.

On 28 February 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, an authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1), an "Inventor Information Sheet", and the present request.

On 17 May 2001, applicants filed two executed declarations.

On 03 August 2001, this Office mailed a decision which indicated that the name of the second inventor listed in the international application does not match that listed on the declarations.

On 10 September 2001, applicants filed a response to the 03 August 2001 decision.

On 25 January 2002, this Office mailed a communication which indicated that the name of the second inventor listed in the international application does not match that listed on the declarations filed 17 May 2001.

On 06 June 2002, applicant filed a petition under 37 CFR 1.182.

On 17 July 2002, this Office mailed a decision granting the 06 June 2002 petition.

On 22 January 2003, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declarations filed 17 May 2001 are not properly executed.

DISCUSSION

The Notification of Missing Requirements was mailed in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 22 January 2003 is hereby VACATED.

The application has an International Filing Date of 31 August 1999 and a date under 35 U.S.C. 371 of 17 May 2001.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459